

**Unofficial translation, legally binding texts are those in Finnish and Swedish  
Ministry of the Environment, Finland**

**Act on Environmental Impact Assessment Procedure**  
(468/1994; amendments up to 1812/2009 included)

**Chapter 1 – Aim of the Act and Definitions**

**Section 1 – Aim**

The aim of this Act is to further the assessment of environmental impact and consistent consideration of this impact in planning and decision-making, and, at the same time, to increase the information available to citizens and their opportunities to participate.

**Section 2 – Definitions**

In this Act:

- 1) *environmental impact* means the direct and indirect effects inside and outside Finnish territory of a project or operations on
  - a) human health, living conditions and amenity;
  - b) soil, water, air, climate, flora, organisms and biological diversity;
  - c) the urban structure, buildings, landscape, townscape and cultural heritage;
  - d) the utilization of natural resources; and
  - e) the interaction between the factors referred to in subparagraphs a–d. (267/1999)
- 2) *environmental impact assessment procedure* means a procedure in accordance with Chapter 2 in which the environmental impact of certain projects is studied and assessed, and the views of authorities and those parties whose circumstances or interests may be affected by the project, and corporations and foundations whose field of activity may be affected by the project are heard; (458/2006)
- 3) *environmental impact assessment programme* means the plan prepared by the developer for the necessary studies, and arrangements for the assessment procedure;
- 4) *environmental impact assessment report* means the document in which information about the project and its various alternatives is presented, together with a comprehensive assessment of their environmental impact;
- 5) *developer* means the applicant who is otherwise responsible for the preparation and implementation of a project referred to in this Act; (267/1999)
- 6) *coordinating authority* means the authority ensuring that the environmental impact assessment procedure is carried out for the project; (458/2006) and

7) *participation* means interaction in environmental impact assessment between the developer and the coordinating authority, other authorities and those parties whose circumstances or interests may be affected by the project, and corporations and foundations whose field of activity may be affected by the project. (458/2006)

### **Section 3 – Relationship to other legislation (267/1999)**

In applying this Act, other studies concerning the project and its environmental impact carried out in other connections are to be taken into account, and studies called for by this Act and other legislation are to be coordinated as far as possible. Provisions on the use of the assessment report referred to in this Act as a report referred to in another act shall be issued separately.

## **Chapter 2 – Assessment Procedure**

### **Section 4 – Scope of application (458/2006)**

- (1) The environmental impact assessment procedure is applied to such projects and alterations to them for which an assessment is required to enforce an international agreement binding on Finland or which may have significant adverse environmental impact due to the special features of Finland's nature and environment. Further provisions on projects and alterations to them for which an assessment is to be carried out shall be issued by government decree.
- (2) The assessment procedure is also applied in individual cases to a project or a material alteration to a completed project, other than that referred to in subsection 1, that will probably have significant adverse environmental impact comparable in type and extent to that of the projects referred to in subsection 1, also taking into account the cumulative impacts of different projects.
- (3) In addition to what is provided in subsection 2, the characteristics and location of the project and the nature of its impact are to be taken into account when considering the significance of the impact in individual cases. Further provisions on selection criteria shall be issued by government decree.

### **Section 4 a – Finland's exclusive economic zone (1059/2004)**

This Act also applies in Finland's exclusive economic zone referred to in section 1 of the Act on the Exclusive Economic Zone of Finland (*Laki Suomen talousvyöhykkeestä* 1058/2004).

### **Section 5 – Relationship to other procedures (267/1999)**

- (1) The coordinating authority, the local authority or regional council drawing up the plan and the developer shall cooperate sufficiently so that the project assessment procedure and land use planning are coordinated.
- (2) Unless otherwise provided in Chapter 3, the assessment procedure shall not be applied to a project or an alteration of a completed project referred to in section 4(2), if its impacts have been reported in accordance with another act as required under this Act and all parties whose circumstances or interests may be affected by the project, and corporations and

foundations whose field of activity may be affected by the project have been heard concerning the studies. The coordinating authority assesses, if necessary, the adequacy of the studies and hearings conducted in accordance with other legislation before the decision on permits concerning the implementation of the project or another similar decision is made. (458/2006)

### **Section 6 – Decision to apply the assessment procedure (458/2006)**

- (1) The Centre for Economic Development, Transport and the Environment decides on the application of the assessment procedure to the projects referred to in section 4(2). The decision must be made without delay; however, at the latest within one month of the Centre for Economic Development, Transport and the Environment receiving adequate information about the project. Before the decision, the need for assessment must be discussed sufficiently between the appropriate authorities, and the developer shall be given the opportunity to be heard. The developer must be informed of the decision as provided in section 60 of the Administrative Procedure Act (*Hallintolaki* 434/2003). The decision shall be announced by public notice posted for at least 14 days on the notice boards of the municipalities within the likely area of impact of the project, as provided in the Act on Public Announcements (*Laki julkisista kuulutuksista* 34/1925). The decision shall also be published in electronic format and sent to the appropriate authorities for their information.
- (2) If a project concerns the area of operation of more than one Centre for Economic Development, Transport and the Environment or if a Centre for Economic Development, Transport and the Environment is responsible for the planning or implementation of the project, the Ministry of the Environment determines which Centre for Economic Development, Transport and the Environment will decide on the application of the assessment procedure. The Ministry of the Environment's decision on this matter may not be appealed.
- (3) The Ministry of Employment and the Economy is responsible for the functions referred to in subsection 1 as concerns the nuclear power plants referred to in the Nuclear Energy Act (*Ydinenergialaki* 990/1987).

### **Section 6 a – Coordinating authority (458/2006)**

- (1) The Centre for Economic Development, Transport and the Environment acts as the coordinating authority. In projects concerning the nuclear power plants referred to in the Nuclear Energy Act, however, the coordinating authority is the Ministry of Employment and the Economy. Further provisions on the division of competence between the Centre for Economic Development, Transport and the Environment and the Ministry of Employment and the Economy shall be issued by government decree.
- (2) If a project concerns the area of operation of more than one Centre for Economic Development, Transport and the Environment, the authorities shall agree on which of them will act as the coordinating authority for the project. If there is disagreement concerning the coordinating authority, or if the project is planned or implemented by a Centre for Economic Development, Transport and the Environment, the Ministry of the Environment determines which Centre for Economic Development, Transport and the Environment will act as the coordinating authority. The Ministry of the Environment's decision on this matter may not be appealed.

### **Section 7 – Timing of the assessment**

- (1) The environmental impact of a project must be studied in an assessment procedure in accordance with this Act before any action relevant in terms of environmental impact is taken to implement the project.
- (2) The assessment must, however, at the latest be carried out before the decision-making referred to in section 13.

### **Section 8 – Starting the assessment procedure (458/2006)**

The developer shall submit the assessment programme to the coordinating authority at the earliest possible stage of planning, taking into account other project preparations. Further provisions on the contents and structure of the assessment programme shall be issued by government decree.

### **Section 8 a – Hearings on the assessment procedure (458/2006)**

- (1) The coordinating authority shall announce the assessment programme without delay by posting a public notice thereof for at least 14 days on the notice boards of municipalities within the likely area of impact of the project, as provided in the Act on Public Announcements. The public notice shall also be published in electronic format and in at least one newspaper in general circulation within the area of impact of the project. Further provisions on the contents of the public notice shall be issued by government decree.
- (2) The coordinating authority shall also ensure that the necessary statements are requested on the assessment programme and provide an opportunity for opinions to be expressed. The coordinating authority shall provide the municipalities within the area of impact of the project with an opportunity to express their opinion on the assessment programme. Opinions and statements shall be submitted to the coordinating authority within the period of time stated in the public notice, which begins on the date of publication of the public notice and lasts at least 30 and at most 60 days.
- (3) Information need not be provided about the assessment programme if it is clearly unnecessary, because information about the project has already been provided as laid down in this Act, and those parties whose circumstances or interests may be affected by the project, and corporations and foundations whose field of activity may be affected by the project have already been heard.
- (4) The date of publication of the public notice and its contents shall be determined in such a way that the competitive status of the developer is not jeopardised. The provisions on transboundary environmental impact in Chapter 3 shall also be taken into account.

### **Section 9 – Coordinating authority statement**

- (1) The coordinating authority provides its statement on the assessment programme. The statement on the assessment programme shall be delivered to the developer within two months of the end of the period allowed for providing statements and expressing opinions. If necessary, the coordinating authority shall specify in its statement the ways in which the assessment programme must be revised. The statement shall also explain how the necessary studies called for by this Act will be carried out and how public notification and hearings will be arranged and, as necessary, coordinated with procedures provided under other acts

that affect the project. A summary of other statements and opinions shall be included in the statement. (458/2006)

- (2) The coordinating authority delivers its statement and other statements and opinions to the developer. At the same time, the statement shall be delivered to the appropriate authorities for their information. (267/1999)
- (3) The developer is entitled to obtain all information from the coordinating authority in its possession that the developer needs for assessing the environmental impact of the project.

### **Section 10 – Assessment report**

- (1) The developer assesses the impacts of the project and its various alternatives on the basis of the assessment programme and the coordinating authority's statement, and prepares an environmental impact assessment report. The assessment report shall be submitted to the coordinating authority and attached to the application documents related to the project, in a way that is provided separately.
- (2) Further provisions on the contents and structure of the assessment report shall be issued by government decree. (458/2006)

### **Section 11 – Hearings on the assessment report (458/2006)**

- (1) The coordinating authority shall announce the assessment report by posting a public notice thereof for at least 14 days on the notice boards of municipalities within the likely area of impact of the project, as provided in the Act on Public Announcements. The public notice shall also be published in electronic format and in at least one newspaper in general circulation within the area of impact of the project. Further provisions on the contents of the public notice shall be issued by government decree.
- (2) The coordinating authority shall also ensure that the necessary statements are requested on the assessment report and provide an opportunity for opinions to be expressed. The coordinating authority must provide the municipalities within the area of impact of the project with an opportunity to express their opinion on the assessment report. Opinions and statements shall be submitted to the coordinating authority within the period of time stated in the public notice, which begins on the date of publication of the public notice and lasts at least 30 and at most 60 days.
- (3) The public notice and hearings referred to in subsections 1 and 2 may be arranged in connection with public notification and hearings which are provided for elsewhere in legislation and which are applicable to the project.

### **Section 11 a – Other forms of participation (458/2006)**

In addition to what is provided in sections 8 a and 11 above, the developer and the coordinating authority may agree to arrange the public notification and hearings in another manner.

### **Section 12 – Concluding the assessment procedure (458/2006)**

The coordinating authority gives its own statement on the assessment report and its adequacy. The statement on the assessment report shall be delivered to the developer within

two months of the end of the period allowed for providing statements and expressing opinions. A summary of other statements and opinions shall be included in the statement. The assessment procedure is concluded when the coordinating authority delivers its statement and other statements and opinions to the developer. The statement shall likewise be given for information purposes to authorities dealing with the project, to the municipalities within the area of impact of the project and, as necessary, to regional councils and other appropriate authorities.

### **Section 13 – Consideration of the assessment**

- (1) An authority may not grant a permit for implementation of a project or take any other comparable decision before it has obtained an assessment report and the coordinating authority's statement on it.
- (2) A permit or comparable decision on a project shall state in what way the assessment report and the coordinating authority's statement on it have been taken into account.

## **Chapter 3 – Transboundary environmental impact**

### **Section 14 – International obligations**

- (1) The provisions of this Act on the environmental impact assessment procedure also apply if the enforcement of an international agreement binding on Finland requires an environmental impact assessment procedure to be arranged in cooperation with another state in the case of a project being carried out in Finland.
- (2) The Ministry of the Environment sees to the notification and consultation obligations connected with environmental impact assessment in accordance with the agreement referred to in subsection 1.
- (3) If a project is likely to have significant environmental impact in a territory under the jurisdiction of another state, the coordinating authority shall provide the Ministry of the Environment with an assessment programme without delay for notification to the other state, in accordance with the agreement referred to above. The Ministry of the Environment delivers a copy of the notification sent to the other state to the Ministry for Foreign Affairs for its information. (267/1999)
- (4) The notification shall provide, in particular:
  - 1) information on the project;
  - 2) information on any possible transboundary environmental impact;
  - 3) information on the assessment procedure and decisions relevant to the implementation of the project; and
  - 4) a reasonable time period within which any notification by authorities, citizens and corporations concerning participation in the assessment procedure shall be sent to the Ministry of the Environment. (458/2006)

## **Section 15 – International hearings**

The Ministry of the Environment or an authority designated by it shall provide the state authorities and natural persons and corporations party to the agreement referred to in section 14(1) with an opportunity to participate in an assessment procedure in accordance with this Act, if a project referred to in this Act is likely to have environmental impact in the territory of the other state.

## **Chapter 4 – Miscellaneous provisions**

### **Section 16 – Guidance, supervision and monitoring**

- (1) The Ministry of the Environment is responsible for general guidance and the monitoring of the enforcement of the Act, and for the general development of assessment. Other ministries see to the supervision and monitoring of enforcement and the development of assessment within their mandates and can, when necessary, issue instructions on applying the assessment procedure.
- (2) The Centres for Economic Development, Transport and the Environment oversee and supervise enforcement of this Act in their areas of operation. (59/1995)
- (3) State and local authorities shall cooperate in carrying out the assessment procedure provided in this Act and in coordinating it with procedures provided under other acts that affect the project.

### **Section 17 – Right of appeal on the grounds of lack or inadequacy of assessment (458/2006)**

- (1) In addition to what is provided separately on the right of appeal, a Centre for Economic Development, Transport and the Environment has the right to appeal a ruling on a project referred to in section 4 in a permit case in accordance with another act or any other decisions relevant to the implementation of the project on the grounds that an environmental impact assessment referred to in this Act has not been carried out or it has been carried out in a way that is inadequate in material respects.
- (2) Whoever otherwise has the right to appeal the decision can in the appeal refer to the fact that an assessment has not been carried out or that it has been carried out in a way that is inadequate in material respects.

### **Section 18 – Enforcement measures (59/1995)**

If the implementation of a project referred to in section 4 does not require a permit or a decision referred to in section 17(1), and the project is implemented before the assessment of environmental impact required in this Act, the Centre for Economic Development, Transport and the Environment can, under notice of a conditional fine, order the implementation of the project to be halted until such time as the assessment procedure has been carried out. The provisions of the Act on Conditional Fines (*Uhkasakkolaki* 1113/1990) shall apply to matters concerning notice of a conditional fine.

### **Section 19 – Appealing a decision concerning application of the assessment procedure (458/2006)**

- (1) The developer may appeal a decision made pursuant to section 6(1) as laid down in the Administrative Judicial Procedure Act (*Hallintolainkäyttölaki* 586/1996). The jurisdiction of the administrative court is determined under section 12 of the Administrative Judicial Procedure Act. However, when the appeal concerns a decision by the Centre for Economic Development, Transport and the Environment, the administrative court is the court in whose jurisdiction the main part of the project or the activity in question is located.
- (2) To ensure consistent administrative and judicial practice, a Centre for Economic Development, Transport and the Environment has the right to appeal an administrative court decision repealing a decision made by the Centre for Economic Development, Transport and the Environment under section 6(1).
- (3) Decisions made under section 6(1) of this Act cannot be otherwise appealed separately. Parties referred to in section 17(2) above may, however, appeal decisions stating that the application of the assessment procedure is not necessary, according to the same procedure and in the same context as in the case of an appeal made against a permit ruling under other legislation concerning a project referred to in section 4 or against some other decision relevant to the implementation of the project.

#### **Section 20**

*Repealed by Act 623/1999.*

#### **Section 21 – Special provisions for national defence purposes (458/2006)**

- (1) If the information on the project must be kept secret in the interests of national defence, as laid down in the Act on the Openness of Government Activities (*Laki viranomaisten toiminnan julkisuudesta* 621/1999), an exception may be granted when necessary concerning the provisions in this Act on public notification and hearings.
- (2) If the Ministry of Defence so proposes, the Ministry of the Environment may decide that the environmental impact assessment procedure is not to be applied to a defence force project implemented under exceptional circumstances referred to in the Emergency Powers Act (*Valmiuslaki* 1080/1991), if the application of the assessment procedure would have an adverse effect on national defence. Decisions made by the Ministry of the Environment on the matter may not be appealed.

#### **Section 22 – Liability for costs**

The developer is responsible for the costs of public notification, hearings and studies of environmental impact, and for the cost of translations needed in the assessment of transboundary impact.

#### **Section 23 – Further provisions (458/2006)**

Further provisions on the authorities and their functions in the environmental impact assessment procedure shall be issued by government decree.

### **Chapter 5 – General obligation to assess**

## **Section 24 – Programmes and plans (201/2005)**

Provisions concerning the assessment of the environmental impacts of plans, programmes and policies prepared by the authorities are laid down in the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (*Laki viranomaisten suunnitelmien ja ohjelmien ympäristövaikutusten arvioinnista* 200/2005).

## **Section 25 – Obligation to be aware of impacts**

The developer of a project other than that referred to in section 4, in addition to what is provided separately, must have sufficient knowledge of the environmental impact of the project to an extent that can reasonably be required.

## **Chapter 6 – Entry into force**

### **Section 26 – Entry into force**

- (1) This Act enters into force on 1 September 1994.
- (2) Measures necessary for the implementation of this Act may be undertaken before the entry into force of the Act.

### **Section 27 – Provisions on application**

This Act shall not apply to a project for which a permit has been granted or where an authority has taken some other decision comparable to a permit before this Act enters into force, or for which there has been a public announcement or hearing of the interested parties before 14 January 1994 in accordance with the Building Act (*Rakennuslaki* 370/1958), Water Act (*Vesilaki* 264/1961), Environmental Permit Procedures Act (*Ympäristölupamenettelylaki* 735/1991), Air Pollution Control Act (*Ilmansuojelulaki* 67/1982), Waste Act (*Jätelaki* 1072/1993), Public Health Act (*Terveystieteidenlaki* 469/1965), Adjoining Properties Act (*Laki eräistä naapurisuhteista* 26/1920), Chemicals Act (*Kemikaalilaki* 744/1989), Land Extraction Act (*Maa-aineslaki* 555/1981), Mining Act (*Kaivoslaki* 503/1965), Electricity Act (*Sähkölaki* 319/1979), Public Roads Act (*Laki yleisistä teistä* 243/1954), Aviation Act (*Ilmailulaki* 595/1964), Act on the Redemption of Immoveable Property and Special Rights (*Laki kiinteän omaisuuden ja erityisten oikeuksien lunastuksesta* 603/1977), Private Forests Act (*Yksityismetsälaki* 412/1967), Forest Improvement Act (*Metsänparannuslaki* 140/1987), or Nuclear Energy Act (*Ydinenergi laki* 990/1987).

### **Entry into force and application of 458/2006:**

- (1) This Act enters into force on 1 September 2006.
- (2) Measures necessary for the implementation of this Act may be undertaken before the entry into force of the Act.
- (3) Matters referred to in section 4(2) that are pending in the Ministry of the Environment at the time of the entry into force of this Act are transferred under this Act to the competent Centre for Economic Development, Transport and the Environment. The Act in force at the

time of the entry into force of this Act will, however, continue to apply to decisions by the Ministry of the Environment or the Ministry of Trade and Industry<sup>1</sup> concerning the application of section 4(2), or to statements by the Ministry of the Environment, the Ministry of Trade and Industry or the Centre for Economic Development, Transport and the Environment that have been done or given before the entry into force of this Act.

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<sup>1</sup> Now, Ministry of Employment and the Economy.